NATIONAL INTELLIGENCER.

P. Middle

SPEECH OF Mr. RIVES, or VIRGINIA. On the Resolution for the Annexation of Texas.

IN SENATE-FEBRUARY 15, 1845. The Senate having resumed the consideration of the resolution from the House for the annexation of Texas,

resolution from the riouse for the annexation of Texas,

Mr. RIVES rose and addressed the Senate in opposition to
the joint resolution for the admission of Texas to the Union.
He commenced by observing that it was very well known to
the Senate, and not unknown to the country, (so far as any
humble opinion of his could be deemed of any importance,) that he was not opposed to the acquisition of Texas whenever it could be fairly and honorably accomplished, in accordance with the provisions of the Constitution, and without gravely disturbing the harmony of existing relations between one sec-tion of this country and another, and between this Governnent and other Governments. So far from it, that he regard ed that measure as combining many important national ad-vantages, commending it to the consideration of the whole country—of the North and the West more than the South.

In much of what had been so eloquently said by the honorable Senator from Pennsylvania (Mr. Buchanan) yesterorable Senator from Pennsylvania (Mr. Buchanan) yesterday, in regard to the expediency of the annexation, he concurred. But a far higher question than that is now before us. Every thing that might be deemed by us expedient is not, therefore, lawful and justifiable. What would it profit us should we gain Texas, if thereby we lost our regard for that sacred instrument which was the bond of our national union, the pledge and palladium of our liberty and happiness? The mode in which Texas was to be acquired, in its aspect upon the principles of our political compact, was with him, a vital should we gain Texas, if thereby we lost our regard for that sacred instrument which was the bond of our national union, the pledge and palladium of our liberty and happiness? The mode in which Texas was to be acquired, in its aspect upon the principles of our political compact, was, with him, a vital and a paramount consideration. We had heretofore made important acquisitions of foreign territory, more than doubling the area of our original limits; but we had made the acquisition by means of the treaty-making power; and in this case of Texas, too, the treaty-making power and been called into action to achieve the measure of annexation; but the treaty not having received the constitutional sanction of two-thirds of this body, it was now at last discovered that all this reference to the treaty-making power was a mere useless ceremony; a work of supererogation; an idle, unmeaning formality; and that the object could be better accomplished by a joint resolution, to be passed by a mere majority of the two Houses of Congress. Under these circumstances, the question now put to the judgment and conscience of every Senator was, whether this summary mode of proceeding was warranted by the Constitution, and in conformity with that good faith which the people of the several States had pledged to each other when they adopted the Constitution and promised to abide by it.

It was the proud distinction and the peculiar happiness of this country to possess a written. Constitution—an instrument which not only limited the general mass of power delegated.

this country to possess a written Constitution—an instrument which not only limited the general mass of power delegated to the Government, but which defined the particular powers to be exercised by each branch of that Government. Accord-ing to its provisions, each department had its own appropriate sphere of action; each of them checked and was in turn checked by the others; and thus the whole together preserved the safeguard of the public liberty. The legislative department in other Governments arrogated to itself supreme power, the jura summi imperii: but, thank God! such legislative supremacy was unknown in ours. The legislative as well as the other departments of Government in our system, were, in the impressive language of Mr. Jefferson, "chained down" by the limitations of delegated authority. "An elective despotism," as he had so well said, "was not the Government we fought for." In our system the powers were so balanced between the several bodies of magistracy that neither could transcend its own limits without being immediately checked by the others. This was the fundamental conception of Ameri can constitutional liberty, as understood by the enlightened founders of this Republic, and it had been faithfully carried out in the Constitution of the United States. In that instrument all the legislative powers of the Government were spe-cifically enumerated and vested in the two Houses of Con-gress; the Executive power was defined and entrusted to the hands of the President; while the Judicial authority was confided to the Supreme Court, and to such other subordinate courts as should be established from time to time by Congress. This organization embraced all the great internal interests the country. But there remained other interests to be provided for, which

had respect to the relations of this country with foreign Pow-ers. So important was the power which controlled these, that Locke, in his celebrated Treatise on Government, had ranked it along with the Legislative and Executive, as a co-ordinate independent power, under the name of the Federa-tive power. All these interests, whether of peace or war, of tive power. All these interests, whether of peace or war, of alliances, of succers, of commerce, of territory, of boundaries, were regulated by treaty. It became, therefore, in laying the foundations of the Government, a matter of primary importance to determine where this great power should be lodged. In all the modern Governments of Europe it was an appendage to the Executive; but in ours it was different. Under the articles of the Confederation this power was reposed in Congress; but the consent of nine States was requisite to give effect to any treaty or alliance. When the Convention met to frame the new Constitution, it was an embarrassing, as met to frame the new Constitution, it was an embarrassing, as well as an important inquiry, where this power should be deposited. The first idea suggested was to place it in the Senate exclusively; then it was suggested that the President should be associated with the Senate; and when this was resolved on, jority of the Senate should exercise the power, or whether more than a majority should be required. In this question great interests were involved. The Northern States enter tained great jealousy in regard to the interests of the fishe ries, and feared lest, in the future exigencies of the Republic, these might come to be ceded by treaty; while the Southern these might come to be coded by treasy; while the Southern States were equally jealous respecting the navigation of the Mississippi and the question of their Western boundaries, both which points were then in controversy with Spain. Both the North and South, therefore, united in demanding that more than a simple majority of the Senate should be requisite for the ratification of a treaty, and the proportion of two-thirds was finally agreed on.

The new Constitution having been adopted by the Conven

tion which framed it, it was presented to the people assembled in Conventions in their several States for acceptance or rejec-When the draught of the new instrument came before the Convention of Virginia, no feature in it attracted so earnest and so jealous a degree of attention as this power to for reaties. The thunder of Patrick Henry's eloquence was im-mediately launched against it; because he thought its arrange-ment of the treaty-making power did not sufficiently secure to the South and the West their rights in reference to the navigation of the Mississippi and to their western boundaries. He compared the new Constitution with the old articles of Confederation in this respect, and endeavored to show that the States had enjoyed greater security under the latter than they would by the new arrangement. So great was the anxiety in the Virginia Convention respecting the safety of Western nterests, that a most searching inquiry was instituted into the acts of the Continental Congress respecting a negotiation for the temporary surrender of our right of navigating the Mississippi; and members of the Convention who had been delegates to Congress were called to the stand as witnesses, and required to testify what had been done in that matter.

Nor was it until after days of deliberation that Virginia finally consented to ratify the new Constitution; but she accompanied her ratification with a proposition for its amendment, demand ing higher security respecting the exercise of the treaty-making power. Her demand was, that in commercial treaties the as-sent of two-thirds of all the members of the Senate should be requisite, and that in treaties for territorial boundaries the ast of three-fourths of both Houses should be requisite. The noble and patriotic State of North Carolina concurred with Virginia in this amendment, but it was not acceded to by the States, the requisite number of them having ratified it

very power. He referred to the unfortunate difference of opimion between the House of Representatives and President Washington respecting the British treaty negotiated by Mr. Jay. The House called on the President for the instructions under which the treaty had been made, and General Washington. ington sent them an answer in which, with the highest authowhich had ever accompanied any merely human words, he gave his testimony as to the true intent and meaning of this part of the Constitution. His words were these : "Having been a member of the General Convention, as

"Having been a member of the General Convention, and knowing the principles on which the Constitution was formed. I have ever entertained but one opinion on this subject; and, from the first establishment of the Government to this moment, my conduct has exemplified that opinion, that the power of making treaties is exclusively vested in the President, by and I with the advice and consent of the Senate, provided two-thirds of the Senators present concur; and that every treaty, so made and promulgated, thenceforward became the Jaw of the land."

"It is a fact declared by the General Convention, and universally understood, that the Constitution of the United States was the result of a sprit of amity and mutual concession. And it

or the blessing of liberty can be preserved to any people but by a firm adherence to justice, temperance, moderation, and virtue, and by a frequent recurrence to fundamental principles." If ever there had been an occasion which called for such a re-currence, and the exercise of these saving virtues, this was one. Having seen where the Constitution has deposited the power of making treaties, the next question which presented itself was this: What is a treaty '—for on that question depended

the rightful decision on the measure now proposed.

An attempt had been made to attach a technical and caba and attempt had been made to actual a technical and caoustic in the word, which, if adopted, went to exclude many international contracts. But was this so? We were in possession of what was justly deemed the highest authority on such questions. Vattel told us what was the naked fundamental conception of a treaty, defining it to be "a public." compact between independent sovereign powers." That was the whole matter; there was no mystery about it. He knew indeed that, in the language of diplomacy, we had both treaties and articles of convention, but conventions were all treaties if not, whence did the Senate derive its power to ratify con ventions, so called ' An agreement between two nations reference to a specific object or to a single act to be performed, such as the payment of indemnities or the fixing of some unimportant boundary, was usually denominated a convention; still it was in substance a treaty, for the term treaty was generated. ric and comprehended the whole. A treaty, according to the highest authority, was simply an international compact.

It was important to know in what sense this term treaty was understood by the people when they were called on to ratify

tion of treaties and the treaty-making power, Mr. R. turned to the joint resolution which had been received from the House of Representatives, and he would inquire whether it was not, to all intents and purposes, in every practical sense, a treaty, and nothing but a treaty? It was not a change of name or a variation in form which affected the substance of things. He variation in form which affected the substance of things. He put it to gentlemen to say whether this joint resolution was not in substance a "contract with a foreign Power?" Was it not a treaty, in the language of the Federalist, just as much as Mr. Tyler's treaty, which had been submitted at the last session? What was a contract? His learned friend from Pennsylvania (Mr. Buchana) needed not to be reminded that a contract was an "agreement to do or not to do a particular thing on a sufficient consideration." Was not this an agreement, on certain terms and conditions, to admit a foreign nation into this associated Federal Republic? The question answered itself. What had the honorable Senator done yesterday? Had he not gone over the terms of this agreement, declaring that some of them he liked and others he did not like? In this resolution Congress was asked to say to Texas, like In this resolution Congress was asked to say to Texas, "If you will unherse your President; dissolve your Government; go back to a state of nature; cede all your publi public lands; retain your public domain; continue responsible for your debts; agree to the understanding that new States may be carved out of your territory, on the condition that in all of them north of a certain line slavery shall be prohibited forever, and in those south of it it shall or shall not be prohibited, as the people may choose—if you will do all these things, then it is a bargain, and we will admit you into our Confederacy on equal terms with ourselves." Now, if this was not an agreement—if it was not a contract, and that with an extraordinary display of terms too, then Mr. R. did not know what an agreement or a contract was. That it was an agreement all the world must see. No man could wink so hard as not to see it. The only question, then, which re-mained was, whether it was not an agreement with a foreign

independent Power?
What, then, was Texas? Need Mr. R., at this time day, prove the title of Texas to naitonal independence Should he be told that she was not a foreign, sovereign, in dependent Power? He presumed not. Then, whether we looked at the terms or at the parties, this was an agreement

between sovereign and sovereign.

Now, then, where was such an agreement to be consummated according to the Constitution? He asked the honorable Senator from Pennsylvania where? The joint resoluanguage was "be it consented." [A laugh.] It was the language of the marriage ceremony—"whereas A. and B. have consented together in holy wedlock." [Increased laughter.] (He was sorry to be obliged to make such an allusion when addressing the honorable gentleman, who was not yet initiated in these mysteries.) [More laughter.] Yes, its terms were "be it consented;" "it is hereby agreed," not erms were "be it consented;" "it is hereby agreed," not hereby enacted." It was the very language of treaties. Gentlemen could not wink so hard as not to see it was ubstance a treaty, begun and ended by legislation. And, further : when we looked at the subject-matter of the

agreement, Mr. R. averred not only that it was a treaty, but that the object could be consummated in no other way than

by treaty.

Mr. R. laid down this proposition, and he invited the honorable Senator (who, though not a "Philadelphia lawyer," was at all events a Pennsylvania lawyer) to find a flaw in it if he could: he asserted that foreign territory could not peaceably be acquired (upon terms and conditions, as in this case) in any other mode than by treaty; because such territory, because an independent assertion. ing under an independent sovereign Power, could not be peace ably acquired without the consent of that sovereign; and when that consent was given, in whatever form, it constitute

a treaty, and nothing else.

He had heard, by way of embarrassing and mystifying the subject, a great deal said as to the various modes in which tersubject, a great deal said as to the various modes in which territory could be acquired. They were told that it might be acquired by conquest and by discovery. So it could; but neither of these modes affected Mr. R.'s proposition in the least. He said it could not be peaceably acquired; this, in terms, excluded discovery, because it referred to a case of a peopled and settled country, under the jurisdiction of a sovereign organized Power. He again invited his honorable and learned friend to answer it if he could. Let him point out a mode by which foreign territory could be peaceably acquired, in the proper political sense of the rights of jurisdiction attaching to it, otherwise than by treaty.

with the treaty clause as it now stood.

Soon after the new Government went into operation, an important discussion arose in Congress as to the extent of this very power. He referred to the unfortunate difference of opisally understood, that the Constitution of the United States was the result of a spirit of amity and mutual concession. And it is well known that, under this influence, the smaller States were admitted to equal representation in the Senate with the larger States; and this branch of the Government was invested with great powers, for, on the equal participation of those powers, the sovereignty and political safety of the smaller States were the

sudden irruption of new and dangerous innovations drove us all to an examination of the fundamental doctrines of our system. Virginia had a maxim in her bill of rights which could never be too often repeated, that "no free government or the blessing of liberty can be preserved to any people but by a firm adherence to justice, temperance, moderation, and assent of two-thirds of the sovereign members of the Confederation."

deracy.

Perhaps the honorable Senator had the idea that, in a transferred i action like this, where a foreign Government transferred its entire territory, with all its inhabitants, to the Government of a new sovereign, where it transferred human allegiance as well as mere acres of the soil, it was not a treaty, and he feared an a new sovereign, where it transferred human allegiance as well as mere acres of the soil, it was not a treaty, and he feared an honorable friend in his eye (Mr. Foster) was a good deal taken by this doctrine. But was there any ground for it? A treaty was an agreement with a foreign sovereign; and where was the sovereignty in Texas? Certainly, according to the American doctrine, in the mass of the people. Now, if the agreement was made ultimately with the people, instead of being less, it was more emphatically a treaty with a sovereign Power than if made with the Government only. If the honorable Senator from Pennsylvania really intended to intimate that a transaction by which an entire territory and people are transferred to a foreign sovereignty is not properly a treaty, (though he at least would seem to be estopped from such an argument by his vote for the treaty of the last session,) be would give the "law and the prophets." It was an authority from the weight of which that gentleman would not detract, and it went directly to show that precisely such a transaction as is now in view with the people of Texas is a treaty. Vattel (book I, chap. 16) speaks of two forms of treaty, in which one of the parties assume a subordinate relation to the other; the one a treaty of protection merely, and the other a treaty by which one Power, on account of weakness, an intimate community of interest, or other cause, submits itself entirely to another. His language was this—first as to a treaty of protection:

"When a particular and the prophetic itself from its tection:

"When a nation is not capable of preserving itself from in "When a nation is not capable of preserving itself from in-sult and oppression, she may procure the protection of a more powerful State. If she obtains this by only engaging to perform certain articles, as, to pay a tribute in return for the safety ob-tained, to furnish her protector with troops, and to embark in all his wars as a joint concern, but still reserving to herself the right of administering her own Government at pleasure, it is a simple treaty of protection, that does not at all derogate from her sovereignty, and differs not from the ordinary treaties of alliance, otherwise than as it creates a difference in the dignity of the contracting parties."

Then follows a paragraph describing precisely the nature he transaction now before us, by which one foreign State is proposed to be completely subjected to and incorporated into another, and denominating it expressly a treaty. He begged another, and denominating it expressly a treaty. He begged leave to read it to the Senate:

leave to read it to the Senate;

"But this matter is sometimes carried still further; and, although a nation is under an obligation to preserve with the utmost care the liberty and independence it inherits from Nature, yet, when it has not sufficient strength of itself, and teels itself unable to resist its enemies, it may lawfully subject itself to a more powerful nation, on certain conditions agreed to by both parties; and the compact or treaty of submission will thenceforward be the measure and the rule of the rights of each. For, since the people who enter into subjection resign a right which naturally belongs to them, and transfer it to another nation, they are perfectly at liberty to annex what conditions they please to this transfer; and the other party, by accepting their subjection on this footing, engages to observe religiously all the clauses of the treaty."

He knew that his honorable and learned friend from Mussa-

He knew that his honorable and learned friend from Massa. chusetts (Mr. Choate) had, during the last session, thrown out the idea that this was not properly the subject of treaty, and had asserted that the records of history could not show an chusetts (Mr. Choate) had, during the last session, thrown out the idea that this was not properly the subject of treaty, and had asserted that the records of history could not show an example of such a treaty. With all respect for the learning and sagacity of his honorable friend, he must nevertheless be permitted to say that on this point he thought him mistaken. Such instances must naturally have occurred in the mutations of empire. His friend well knew the frequency with which the absorption of lesser States had occurred in the progress of the Rowan empire to private the subject of treaty, the dignity of a State, and had entered into an arrangement with the Legislature of Virginia for that purpose. Then there was the patriotic and high-spirited community of Frank-there was the patriotic and high-spirited commun the absorption of lesser States had occurred in the progress of the Roman empire to universal dominion. He had not made this point a subject of recent inquiry: but he thought he could not, in saying that there had been many instances of the abnot, in saying that there had been many instances of the absorption and incorporation by treaty, be mistaken. It had also taken place in modern times. How had the vast monarchies own State, too, was at that time agitated by schemes of discrete the discrete states of the same of the saying long since set up a separate Government, and earnest ly demanded admission into the Confederacy. The Senator's own State, too, was at that time agitated by schemes of discrete saying the saying long since set up a separate Government, and earnest ly demanded admission into the Confederacy. soppion and incorporation by treaty, be mistaken. It had also is taken place in modern times. How had the wast monarchies of Europe grown up and extended themselves but by the annexation (in some cases undoubtedly by convention) of weak own State, to, was at that time agitated by expressed the honorable Senator consult the classic pages of his own admirable Prescott, and is described by the successive incorporations and the two wasts of being the keystone of the Federal arch. Withshem the bern built up and established by the successive incorporations, which, if they had been unfortunately carried in the result of the state of this state of things.—the stretching of the pope what are to the content of the state These certainly were cases in point. But Mr. R. did not rest on them; he rested on the impregnable authority of the well-known exposition of the law of nations which he had quoted; an authority which was in the hands of every framer of the Constitution. While, on the part of Texas, therefore, an appeal to the people might be necessary to sanction the transfer of their entire territory and national independence, with us the Constitution had provided a competent power to treat with them in the regular treaty-making branch of the Government, and that power were bound to pursue according to the im-

and that power we were bound to pursue according to the imperative forms of the Constitution.

Mr. R. had said thus much in relation to the treaty-makin power, because he considered it an indisputable preliminary t another question. If the general power of making convention al arrangements with foreign nations was delegated by the Constitution to the President and two-thirds of the Senate, and, Constitution to the President and two-thirds of the Senate, and, in the words of General Washington, exclusively vested in them, then he held that no other clause in the same instrument could be so interpreted as to nullify that grant. Would the Senator from Pennsylvania tell him that after this investiture of he treaty power in the Executive and two-thirds of the States as represented in this body, it was admissible to give such a construction to another clause of the Constitution as wholly to verrule and subvert that power? Yet that was the scope and necessary effect of the argument. Under the power of Connecessary effect of the argument. Under the power of Congress to admit new States into the Union, it was contended that a mere majority of the two Houses of Congress could enter into stipulations and agreements with foreign States for their incorporation into our political system, although the power of treating with foreign States had been expressly restricted to the states of the States as represented in this President and two-thirds of the States, as represented in this body. Would it not be most extraordinary, indeed, that the have placed so strong a check on the most unimportant trans-actions of this Government with foreign Powers, such as the

within her limits what was then called the district of Kentucky: This territory was, even then, aspiring to rise into the dignity of a State, and had entered into an arrangement aspiring after State dignity. There was, moreover, Vermont, lying within territory claimed by the State of New York, but

federation. In the 38th number of the Federalist, speaking of the Northwest Territory, which had been ceded to the United States by Virginia, and which Virginia had obtained a positive stipulation from the old Congress should be divided into not less than three nor more than five Republican States, he says:

"Congress have assumed the administration of this stock. They have begun to render it productive. Congress have undertaken to do more: they have proceeded to form new States; that is, prospectively;] to erect temporary Governments, to appoint officers for them, and to prescribe the conditions on which such States shall be admitted into the Confederacy. All this has been done, and done without the least color of constitutional authority."

We have only to connect with this passage what the honorable Senator read to us from the 43d number of the Federalist, written also by Mr. Madison, and we have a complete clue to the true and incontestable meaning of the clause of the new Constitution giving to Congress the ower to admit new States into the Union. After quoting the whole clause providing for the admission of new States into the Union, Mr. Madison, in the number of the Federalist now referred to, proceeds as follows:

"In the articles of Confederation no provision is for "In the articles of Confederation no provision is found on this important subject. Canada was to be admitted of right, on her joining in the measures of the United States; and the other colonies, by which were evidently meant the other British eolonies, at the discretion of nine States. The eventual establishment of new States seems to have been overlooked by the compilers of that instrument. We have seen the inconvenience of this omission, and the assumption of power into which Congress have been led by it. With great propriety, therefore, has the new system supplied the defect."

set and agreement and the Conditation should be particulation of a covered programinal Provides and control, responsible and control and the control of the county. In this paper of a sum of money, the surrender of criminals, the county of the point of a sum of money, the surrender of criminals, the county of the point of a sum of money, the surrender of criminals, the county of the point of a sum of money, the surrender of criminals, the county of the point of a sum of money, the surrender of criminals, the county of the two flowers than by the county of the two flowers than by the county of the county of the two flowers than by the county of the two flowers than the county of the county of the county of the two flowers than by the county of the county of the county of the two flowers than the county of the county of the county of the two flowers than the county of the county of the county of the two flowers than the county of the county of the county of the two flowers than the county of the county of the county of the two flowers than the county of the two flowers than the county of the county of the county of the two flowers than the county of the county of the county of the two flowers than the county of the county of the county of the two flowers than the county of the county of the county of the two flowers than the county of the county of the county of the two flowers than the county of the county of the county of the two flowers than the county of the two flowers than the county of the county of the county of the two flowers than the county of the county of the county of the two flowers than the county of the county of the county of The new Constitution was our great national remedial act. It was intended to correct the evils and defects of country. Surely, if this provision had the colossal magnitude "The eventual establishment of new States," he says, "seems to have been overlooked by the compilers of that instrument." The words new States are italicised by him, and doubtless the sovereighty and political safety of the smaller States were desmed essentially to depend."

Mr. R. was happy to say that that participation, and Gallatin, and going, as it did, such men as metant hardly now justified in regard to their right, which the expressed for their right with politically to pass or not to pass acts to redeem the public faith, which is not play the going of the world some of the woold some of the sover, and some of the consent of the sover, and some of the consent of the interest to making of treaties.

Mr. R. was happy to say that that participation and that of the Senate to a state the whole of its territory of another to reduce the world same than the proposition of the series of the sover in the midst of the Revolutionary of the some of the constitution with the sover some of the constitution of the United States, lied down by varies and foreign facility. This point resolution provided for taking the sense of the some of them would same thing of treaties.

And here he would ensure that the some of them would join us in the world sense that the some of them would same thing. And here he would remine the would remine the some of them would remine the some of the some of the constitution with the some of the some of the some of the constitution with the some of the constitution with the some of them would some the sound that the sound some th great powers, far, on the equal participation of those powers, the sovereignity and political satety of the amaler States were desired essentially to depond. "The was employed as a state into the solution of the solution o

words:

"Resolved, That provision ought to be made for the admission of States, lawfully arising within the limits of the United States, and sometimes the Georgia case, (Worcester vs. the State of Georgia, I think,) in which this definition, quoted by the gentleman from Vattel, had been again rejected as having nothing to do with the Constitution of the United States. A State of the American Union, as the word was found in the Constitution of the United States, meant a very different thing feature. the American Chion, as the word was found in the Constitu-tion of the United States, meant a very different thing from a State or Nation in the general unqualified sense of the law of nations. Under the law of nations a State was a wholly sove-reign, separate, and independent community. But this cerreign, separate, and independent community. But this certainly was not the condition of the States of the American tainly was not the condition of the States of the American Union, in the sense of the Constitution, for they were expressly disabled by the Constitution itself from the exercise of many of the attributes of national sovereignty—making war, treaties, &c. No term had a greater variety of significations than this of State. In the celebrated Virginia report and resolutions of 1799 Mr. Madison said there were four different significations in which it was used, and so said the Supreme Court. Sometimes it meant the territory, signify, at other times it meant the territory significations.

an absurdity to suppose, would it not be the grossest solecism in language even, that the Congress of the United States was to legislate respecting the "formation" or "erection" of new States, except within the limits of the United States, under our own jurisdiction, and out of our own territory? Mark me, Mr. President, I do not mean to restrict this power to territory within the original limits of the United States, but territory within the limits of the United States at the time when ritory within the limits of the United States at the time when the new State, asking for admission, is to be formed or erected. The text of the Constitution itself, then, comes most decisively in confirmation of the overwhelming evidence of contemporary history, to show what Mr. Jefferson calls the true and honest sense of the instrument—the sense in which it was framed by the Convention and adopted by the people.

But if the gentleman still insists on his ultra-literal meaning, Mr. R. would take the liberty of carrying him a little further back in his law learning. Though he was no lawyer, he

ther back in his law learning. Though he was no lawyer, he repeated, yet in his younger days, with a desire of acquiring such a knowledge of the general principles of civil and political jurisprudence as is proper to every citizen of a free country, he had read Blackstone's Commentaries, and he had there found that of all the various sorts of interpretations, that which is most condemned was the strictly literal interpretation. Qui hæret in litera, hæret in cortice. The gentleman said Texas was a State, was a new State,

and therefore we might admit her into the Union. Did he recollect the case of the Bolognian law, which imposed the heaviest penalty on the crime of "drawing blood in the streets?" heaviest penalty on the crime of "drawing blood in the streets?"

Now, it happened that a surgeon, passing along the street, saw
a man drop under a stroke of apoplexy, and bled him on the
spot to save his life. Now, sir, according to the honorable
Senator's canons of interpretation, the surgeon must have been
condemned to death for his humanity, for he had "drawn
blood in the streets." Such were the words of the law, but
such was not its meaning. The true meaning was not to be
obtained from the words only, but from the context, from the
sphicet matter, from the care and from

All that is contended for is, that the new All that is contended for is, that the new All that is contended for is, that the new All that is contended for is, that the new All that is contended for is, that the new All that is contended for is, that the limits of the United States at the time the State applies for admission. When Louisiana applied, was she not a part of the territory of the United States applied, was she not a part of the territory of the United States applied, was she not a part of the territory of the United States applied, was she not a part of the territory of the United States at the limits of any of the present States, the consent of the such States shall be also necessary to such admission. In this state of things, Mr. Gouverneur Morris moved the substitute of which so much has been said, without the slightest foundation in a correct comprehension of the Proceedings of the Convention, and of the reasons and motives which induced those proceedings.

Bemortas would reverentially bow. It was to be found in a leaster from Mr. Jeffreson to Jodge Jolisson, in which that can be the sequential of the sequence of the control of the sequence of the sequence of the control of the sequence of the se

tion she was still claimed to be by the authorities of New

lessness and an impatient desire for the independent condition of States, at the time, on the part of Maine in Massachusetts, Frankland (the infant Tennessee) in North Carolina, and also in the western part of the State of the honorable Senator of Pennsylvania himself, as I have already mentioned, which in the western part of the State of the honorable Senator of Pennsylvania himself, as I have already mentioned, which seemed to make this wise precaution necessary. Accordingly, the resolution presented by Gov. Randolph, precisely as I have read it to the Senate, was adopted by the Convention, first in Committee of the Whole, and then in the House, and finally referred, together with more general propositions on the same subject by Mr. Pinckney of South Carolina and Mr. Patterson of New Jersey, to the Committee of Detail, who were instructed to report a draught of a Constitution.

In the article prepared by the Committee of Detail on the subject of the admission of new States, the restrictive clause in Gov. Randolph's proposition was retained in substance, though varied slightly in phraseology, and several additional clauses were added to it. It will be necessary to read to the Senate the whole article as reported by the Committee of Detail, that we may better comprehend the true effect of the amendments

we may better comprehend the true effect of the amendments it afterwards underwent. The article is as follows, and, for the sake of simplifying the explanation of the subse the sake of simplifying the explanation of the subsequent pro-ceedings of the Convention upon it, its several clauses are numbered:

numbered:

(1) "New States, lawfully constituted or established within the limits of the United States, may be admitted by the Legislature into this Government; (2) but to such admission the consent of two-thirds of the members present shall be necessary.

(3) If a new State shall arise within the limits of any of the present States, the consent of the Legislatures of such States shall be also necessary to its admission. (4) If the admission be consented to, the new States shall be admitted on the same terms with the original States. (5) But the Legislature may make sonditions with the new States concerning the public debt which shall be then subsisting."